

STATE AFFAIRS — C.S.S.B. 1139, C.S.S.B. 1387, C.S.S.B. 1221, C.S.S.B. 1360

NATURAL RESOURCES — S.B. 1223 (Amended), C.S.S.B. 1546, C.S.S.B. 1551, C.S.S.B. 1146, C.S.S.B. 1173, S.B. 1347

STATE AFFAIRS — S.B. 1116 (Amended)

CRIMINAL JUSTICE — C.S.S.B. 874

STATE AFFAIRS — C.S.S.B. 301

SENT TO GOVERNOR

(April 12, 1995)

S.C.R. 116 S.B. 97

S.C.R. 118 S.B. 222

S.C.R. 121 S.B. 253

S.C.R. 123 S.B. 315

S.B. 25 S.B. 584

SIGNED BY GOVERNOR

(April 12, 1995)

S.C.R. 121

S.C.R. 123

FIFTY-SECOND DAY

(Tuesday, April 18, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Laura S. Mendenhall, Senior Pastor, Westminster Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, bless those who hold office in the government of this fair State of Texas, that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to promote the general welfare—that we may eliminate ways of living together which promote poverty, prejudice, or oppression,

that peace may prevail with righteousness, and justice with order, and that men and women from various cultures and with differing talents may find with one another the fulfillment of all the goodness which You intend. Through Jesus Christ, our risen Lord. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 12, 1995, was dispensed with and the Journal was approved.

**PERMISSION TO
INTRODUCE BILLS AND RESOLUTION**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills and resolution:

S.J.R. 58	S.B. 1653
S.B. 377	S.B. 1654
S.B. 378	S.B. 1655

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 128, Relating to certain evidentiary and procedural privileges and requirements for certain criminal cases. (As amended)

H.B. 176, Relating to components of net income used in establishing rates of a gas utility. (As amended)

H.B. 366, Relating to the exemption from ad valorem taxation of income-producing tangible personal property and mineral interests having a value of less than a certain amount. (As substituted)

H.B. 552, Relating to peace officers of hospitals in certain municipalities. (As amended)

H.B. 699, Relating to the eligibility of certain military veterans and other persons with military-related service and survivors of certain military veterans to an exemption from tuition, fees, and charges at a public institution of higher education if the person is in default of an educational loan made under a federal program.

H.B. 997, Relating to health insurance coverage for children who are ineligible for Medicaid or who do not have access to private health insurance. (As amended)

H.B. 1084, Relating to the disclosure of certain veterinarian records and to information provided by veterinarians. (As substituted and amended)

H.B. 1085, Relating to the authority of counties to contract with private entities for the collection of child support and to electronic transfer of the support payments. (As substituted and amended)

H.B. 1127, Relating to the exemption from ad valorem taxation of the residence homestead of the surviving spouse of an elderly person. (As substituted)

H.B. 1324, Relating to the creation of the offense of permitting a child to sell items or services or solicit donations. (As substituted and amended)

H.B. 1463, Relating to a lien in favor of a seller of agricultural chemicals, agricultural seeds, or animal feed or of a provider of labor in connection with the agricultural chemicals or agricultural seeds; providing penalties. (As substituted)

H.B. 1491, Relating to partner notification programs for persons with human immunodeficiency virus infection. (As amended)

H.B. 1531, Relating to the creation, administration, powers, duties, operation, and financing of the Hamshire Municipal Utility District. (As substituted)

H.B. 1775, Relating to permit and license requirements for the Texas Low-Level Radioactive Waste Disposal Authority. (As substituted)

H.B. 1957, Relating to the punishment for the offense of theft of cattle, horses, sheep, swine, goats, exotic livestock, or exotic fowl. (As amended)

H.B. 2068, Relating to tuition paid by air force personnel for certain courses at Midwestern State University. (As amended)

H.B. 2265, Relating to collection of judgments, fines, forfeitures, and penalties collected by district, county, and precinct officers. (As amended)

H.B. 2278, Relating to the transfer of certain facilities from the Texas Department of Criminal Justice to other state agencies. (As amended)

H.B. 2343, Relating to state loan guarantees for certain businesses.

H.B. 2344, Relating to state loans provided to certain businesses.

H.B. 2674, Relating to the charging of interest under certain agreements. (As amended)

H.C.R. 81, Recognizing Black History Month, February 1995, and providing for a historical volume and Capitol exhibit chronicling the contributions of 19th-century African-American legislators.

H.J.R. 31, Proposing a constitutional amendment authorizing the exemption from ad valorem taxation of income-producing personal property and mineral interests having a value insufficient to recover the tax administrative costs. (As substituted)

H.B. 73, Relating to the fraudulent filing of a financing statement; providing a penalty. (As substituted)

H.B. 971, Relating to health care liability claims. (As substituted)

H.C.R. 85, Renaming the Hollywood Workcenter as the Ben Rogers Employment Training Facility.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 58 by Armbrister State Affairs
Proposing a constitutional amendment relating to centralizing loan and loan guarantee programs of the state.

S.B. 377 by Armbrister State Affairs
Relating to state agency loan and loan guarantee programs and the creation, administration, and operation of the Texas Development Bank to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and community development goals of job creation and retention.

S.B. 378 by Moncrief, Barrientos Health and Human Services
Relating to the licensing of graduates of foreign or nonaccredited dental schools to practice dentistry.

S.B. 1653 by Armbrister Economic Development
Relating to licenses required for certain acts performed within the practice of cosmetology.

S.B. 1654 by Montford, Brown Finance
Relating to the exemption from ad valorem taxation of real property owned by certain organizations chartered by the Congress of the Republic of Texas.

S.B. 1655 by Ratliff Criminal Justice
Relating to the joint or separate prosecution of multiple defendants charged with offenses arising from the same criminal transaction.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

H.J.R. 64 to Committee on Finance.

H.B. 835 to Committee on State Affairs.

H.B. 875 to Committee on Intergovernmental Relations.

H.B. 1086 to Committee on Economic Development.

H.B. 1115 to Committee on Intergovernmental Relations.

H.B. 1146 to Committee on Finance.

H.B. 1605 to Committee on Economic Development.

H.B. 1648 to Committee on Criminal Justice.
H.B. 1689 to Committee on Education.
H.B. 1743 to Committee on State Affairs.
H.B. 2313 to Committee on Education.

(Senator Armbrister in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 18, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STATE BOARD OF NURSE EXAMINERS
for terms to expire January 31, 2001:

NANCY BOSTON

P. O. Box 173

Temple, Texas 76503-0173

Mrs. Boston will be replacing Morris H. Parrish of Irving, whose term expired.

KENNETH W. LOWRANCE, R.N.

1211 West 23rd Street

Clifton, Texas 76634

Mr. Lowrance will be replacing Nelwyn Pettey Ross of El Paso, whose term expired.

HELEN J. DICHOSO, R.N.

22 Muirfield Way

Sugar Land, Texas 77479

Mrs. Dichoso will be replacing Sara Jane Keele of Houston, whose term expired.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

VOTE RECONSIDERED

On motion of Senator Madla and by unanimous consent, the vote by which the Conference Committee Report on **S.B. 821** was adopted was reconsidered.

The bill was returned from the Governor, and the signing thereof by the President of the Senate and the Speaker of the House of Representatives was declared null and void on Wednesday, April 12, 1995, pursuant to **S.C.R. 123**.

Question—Shall the Conference Committee Report on S.B. 821 be adopted?

On motion of Senator Madla and by unanimous consent, the motion to adopt the Conference Committee Report on S.B. 821 was withdrawn.

On motion of Senator Madla and by unanimous consent, S.B. 821 was recommitted to conference committee.

The Presiding Officer asked if there were any motions to instruct the conference committee on S.B. 821 before appointment.

There were no motions offered.

The Presiding Officer announced the reappointment of the following conferees on the part of the Senate on the bill: Senators Madla, Chair; Lucio, Wentworth, Gallegos, and Nelson.

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Barbara Conner of Hallettsville, was introduced to the Senate by the Presiding Officer, Senator Armbrister in Chair.

The Senate expressed appreciation and gratitude to Dr. Conner for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:15 a.m. announced the conclusion of morning call.

(Senator Truan in Chair)

SENATE BILL 368 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 368, Relating to the continuation and functions of the Equine Research Account Advisory Committee.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 368 as follows:

Strike SECTION 2 of the bill (page 1, line 15, through page 3, line 2, introduced version) and substitute the following section:

SECTION 2. Section 88.523, Education Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Appointments to the advisory committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(f) In making appointments to the advisory committee, the director shall attempt to reflect the minority groups found in the state's general population.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 368 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 254 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 254, Relating to authorizing certain supervision officers to carry weapons.

The bill was read second time.

(President in Chair)

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 254** as follows:

(1) Amend **C.S.S.B. 254** by deleting SECTIONS 3 and 4 of the bill and adding the following SECTIONS 3 through 8 to read as follows:

SECTION 3. Subchapter C, Chapter 415, Government Code, is amended by adding Section 415.067 to read as follows:

Sec. 415.067. SPECIAL RETIRED PEACE OFFICERS. (a) A law enforcement agency may appoint as a special retired peace officer a retired officer of the Department of Public Safety or a local law enforcement agency who:

(1) is honorably retired after not less than 15 years of service as a commissioned officer; and

(2) satisfies the weapons proficiency requirement of Section 415.0351.

(b) A special retired peace officer is subject to the orders of the appointing agency, the governor, and the agency from which the officer retired for special duty to the same extent as other law enforcement officers, except that a special retired peace officer may not arrest a person for a violation of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(c) Before issuance of a commission to a special retired peace officer, the officer shall enter into a good and sufficient bond that is executed by a surety company authorized to do business in the state in the amount of \$2,500, that is approved by the commission, and that indemnifies all persons against damages resulting from an unlawful act of the officer.

(d) A special retired peace officer is not entitled to compensation from the state for service as a special retired peace officer.

(e) A special retired peace officer commission expires January 1 of the first odd-numbered year after appointment and is renewed automatically on resubmission of a bond as required under Subsection (c). The appointing agency may revoke a special retired peace officer commission at any time for cause.

SECTION 4. Subchapter B, Chapter 415, Government Code, is amended by adding Section 415.0351 to read as follows:

Sec. 415.0351. WEAPONS PROFICIENCY FOR CERTAIN RETIRED PEACE OFFICERS. (a) The Department of Public Safety or a local law enforcement agency shall allow an honorably retired commissioned officer of the department or agency an opportunity to demonstrate annually weapons proficiency as defined by the commission under Section 415.035 if the chief law enforcement officer of the agency from which the officer retired provides the officer with a written statement indicating that:

(1) the officer's license as a commissioned officer was not revoked or suspended for any period during the officer's term of service as a commissioned officer; and

(2) the officer has no psychological or physical disability that would interfere with the officer's proper handling of a handgun.

(b) The department or agency shall issue a certificate of proficiency to a retired officer who satisfactorily demonstrates weapons proficiency under Subsection (a). The department or agency shall maintain records of any retired officer who holds a certificate issued under this section. A certificate issued under this section expires on the first anniversary of the date the certificate was issued.

(c) The commission shall adopt rules for the administration of this section and set fees that the department or agency may collect to recover the expenses the department or agency incurs in performing duties under this section.

SECTION 5. Article 2.12, Code of Criminal Procedure, as amended by Chapters 339, 695, and 912, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 21.483, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) airport police officers commissioned by a city with a population of more than one million, according to the most recent federal census, that operates an airport that serves commercial air carriers;

(12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;

(13) municipal park and recreational patrolmen and security officers;

(14) security officers commissioned as peace officers by the State Treasurer;

(15) officers commissioned by a water control and improvement district under Section 51.132, Water Code;

(16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);

(17) investigators commissioned by the Texas State Board of Medical Examiners;

(18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned by the State Board of Pharmacy;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes);

(23) officers commissioned by the Texas High-Speed Rail Authority;

(24) investigators commissioned by the attorney general under Section 402.009, Government Code;

(25) security officers and investigators commissioned as peace officers under Chapter 466, Government Code; [and]

(26) an officer employed by the Texas Department of Health under Section 431.2471, Health and Safety Code;[-]

(27) [(26)] officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;[-]

(28) [(26)] officers commissioned by the state fire marshal under Chapter 417, Government Code; and

(29) special retired peace officers commissioned under Section 415.067, Government Code.

SECTION 6. The Commission on Law Enforcement Officer Standards and Education and the community justice assistance division of the Texas Department of Criminal Justice shall adopt the rules and memorandum of understanding and establish the fees required by this Act, not later than January 1, 1996.

SECTION 7. This Act takes effect September 1, 1995.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

(2) Amend SECTION 1 of the bill, Section 46.02, Penal Code, by adding Subsection (g) to read as follows:

(g) It is a defense to prosecution under this section for the offense of carrying a handgun that the actor was, at the time of the commission of the offense, a retired peace officer who is the holder of a certificate issued under Section 415.0351, Government Code.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 254 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 254 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

H.C.R. 162

H.B. 305

H.B. 582

H.B. 839

**COMMITTEE SUBSTITUTE
SENATE BILL 646 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 646, Relating to the appointment or employment of veterans and certain relatives of veterans by public entities.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Lucio, Luna, Madla, Moncrief, Montford, Nixon, Patterson, Rosson, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Bivins, Harris, Henderson, Leedom, Nelson, Ratliff, Shapiro, Sibley.

Absent: Sims, Whitmire.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 646 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 646** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 9. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Galloway, Haywood, Lucio, Luna, Madla, Moncrief, Montford, Nixon, Patterson, Rosson, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Bivins, Brown, Harris, Henderson, Leedom, Nelson, Ratliff, Shapiro, Sibley.

Absent: Sims, Whitmire.

SENATE CONCURRENT RESOLUTION 109

Senator Moncrief offered the following resolution:

S.C.R. 109, Designating April 21-29, 1995, and April 21-27, 1996, as National Science and Technology Week in Texas.

(Senator Barrientos in Chair)

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 899 ON SECOND READING

Senator Henderson moved to suspend the regular order of business to take up for consideration at this time:

S.B. 899, Relating to preservation of property rights; and declaring an emergency.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Moncrief, Shapiro, Truan.

Absent: Gallegos.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 899 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Moncrief, Shapiro, Truan.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Moncrief, Shapiro, and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 117, Designating April 21-29, 1995, and April 21-29, 1996, as National Science and Technology Weeks in Texas.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE RESOLUTION 732

Senator Nelson offered the following resolution:

WHEREAS, The sport of golf has seen no greater achievement than the 11 consecutive tournament victories won by the legendary Byron Nelson, and 1995 marks the golden anniversary of that phenomenal athletic accomplishment; and

WHEREAS, A native Texan, Byron Nelson was born February 4, 1912, in Fort Worth, and as a young man was a caddie at Glen Garden Country Club where he learned much about the game he would ultimately come to dominate; and

WHEREAS, He joined the professional golf circuit in 1932 and won his first major event five years later when he captured the 1937 Masters title; during his historic career he claimed four other major titles: the 1939 U.S. Open, the 1940 and 1945 PGA championships, and the 1942 Masters; and

WHEREAS, On March 11, 1945, he took home the trophy as champion of the Miami Four Ball tournament, beginning a series of 11 consecutive tournament victories that would conclude with his August 4, 1945, triumph at the Canadian Open; the passage of time has not diminished this herculean feat, but rather has enhanced it, as no other player has seriously challenged Mr. Nelson's streak in the succeeding half-century; and

WHEREAS, Mr. Nelson set many other records during his superb 1945 season, including most victories in one year, 18; most consecutive rounds under 70, 19; and lowest scoring average in one year, 68.33; and

WHEREAS, He retired in 1946 to tend his ranch in Roanoke after another highly successful season that included five tournament victories, but came back to play for his country in the Ryder Cup the following year, making his fourth and final appearance in that prestigious event, although he later returned to captain the American team in 1965; and

WHEREAS, Among the many well-deserved accolades given this sporting giant are induction into the PGA Hall of Fame, the Texas Sports Hall of Fame, and the World Golf Hall of Fame; Mr. Nelson was chosen Athlete of the Year in 1944 and 1945 and is the only PGA player to have a tournament, the Byron Nelson Golf Classic, named in his honor; and

WHEREAS, "Lord Byron" is revered by other legendary golfers; Tom Watson has said he regards him as a "friend, teacher, and father," while Ben Crenshaw refers to him as "truly one of those special people . . . the kindest, gentlest man, one who always gives"; and

WHEREAS, Mr. Nelson took as his bride the former Louise Shofner on June 24, 1934, and they enjoyed more than 50 years of mutual affection

and devotion before her passing in 1985; he has been blessed to find happiness again with his current wife, Peggy, whom he wed in 1986; and

WHEREAS, Few athletes leave a high water mark on their sport that is considered by all experts to be beyond duplication, yet with his 11 consecutive tournament victories, Byron Nelson has attained such a singular distinction and, in combination with his many other remarkable golfing feats, he has created a sporting legacy truly worthy of special legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby honor Byron Nelson for his amazing athletic accomplishments in the sport of golf on the momentous occasion of the 50th anniversary of his 11-tournament winning streak; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Mr. Nelson as an expression of highest regard from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Nelson, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Byron Nelson and his wife, Peggy.

The Senate welcomed its guests.

(Senator Armbrister in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1284 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1284, Relating to regulation of the business of title insurance.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1284** as follows:

On page 5 strike lines 15 and 16 and substitute the following in lieu thereof:

(6) legal promotional and educational activities that are not conditioned on the referral of title insurance business.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1284 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1284 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1360, Relating to the operation and management of the Texas Turnpike Authority.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1360 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate "Senior Ms. Texas" Hortencia Cisneros of Corpus Christi, accompanied by her husband, Ramon, Myrleny Clark, President of the Texas Senior Citizens Association, and members of the association.

The Senate welcomed its guests.

HOUSE BILL 721 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 721, Relating to the control of rabies; providing criminal penalties.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 721** in SECTION 10, Sec. 826.0451, by adding a new subsection (f) to read as follows:

"(f) This section does not apply to a veterinarian, a peace officer, a person employed by an animal shelter, or a person who is employed by or under contract with the state or a political subdivision of the state to deal with stray animals and who has temporary ownership, custody, or control of the animal in connection with that position."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 721 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 721** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 715

Senator Shapiro offered the following resolution:

S.R. 715, Welcoming the students of The University of Texas at Dallas who will be visiting the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 12, 1995.

(President in Chair)

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate a group of students from The University of Texas at Dallas.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE**SENATE BILL 141 ON SECOND READING**

Senator Ellis asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 141, Relating to the prosecution of and punishment for an offense motivated by bias or prejudice.

There was objection.

Senator Ellis then moved to suspend the regular order of business and take up **C.S.S.B. 141** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Galloway, Harris, Henderson, Leedom, Nelson, Nixon, Sibley.

Absent: Haywood.

The bill was read second time.

(Senator Armbrister in Chair)

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 141 in SECTION 2 of the bill, in proposed Article 42.014, Code of Criminal Procedure, by striking "if the court by a preponderance of the evidence determines that the defendant" and substituting "if the court determines beyond a reasonable doubt that the defendant".

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 141 in SECTION 2 of the bill, in Article 42.014, Code of Criminal Procedure (committee printing page 1, line 32), by striking "under the Penal Code," and substituting "under Title 5 (offenses against the person) or Sections 28.02 and 28.03, [the] Penal Code,".

PATTERSON
WEST

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by the following vote:
Yeas 22, Nays 9.

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Galloway, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Haywood, Henderson, Leedom, Nelson, Nixon, Sibley.

**COMMITTEE SUBSTITUTE
SENATE BILL 537 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 537, Relating to the creation of a state match pool to provide the local share requirement for a program offering federal matching funds.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 537 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 537** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a group of high school students from Glen Farrow, Jeff Davis, Reagan, and Waltrip high schools in the Houston Independent School District.

The Senate welcomed its guests.

SENATE BILL 654 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 654, Relating to early voting by mail for persons over 65 years of age or with a physical disability.

The bill was read second time.

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 654** by replacing all references to "voter registrar" with: "county clerk".

The committee amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 654**, SECTION 3, Sec. 84.0091, Subsection (c) by striking subsection (c) in its entirety and adding a new subsection (c) to read as follows:

"(c) The county clerk shall keep all original applications on file and create and keep current a list of all eligible qualified voters that make an application under this section, prior to each election during a calendar year

to which the list applies. A qualified voter whose name appears on the list shall be deemed to have submitted an application for early voting by mail."

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 654 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 654** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 25 ON SECOND READING

Senator Patterson moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.J.R. 25, Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Lucio, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Harris, Leedom, Luna, Madla, Nixon, Rosson, Sims, Truan, Turner.

The resolution was read second time.

Senator Wentworth offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **C.S.S.J.R. 25** in SECTION 1 of the resolution by striking Section 50(d), Article XVI, Texas Constitution, as added by the resolution (committee printing, page 1, lines 40-48), and substituting:

(d) An equity loan may be made only by:

(1) a bank, savings and loan association, savings bank, or credit union doing business under the laws of this state or the United States;

(2) a person licensed to make regulated loans, as provided by statute;

(3) a person approved as a mortgagee by the United States government to make federally insured loans, as determined by statute; or

(4) a person or entity qualified under an existing contract to sell or broker a loan to a person or entity otherwise eligible to make a home equity loan under this subsection.

The amendment was read and failed of adoption by the following vote:
Yeas 12, Nays 19.

Yeas: Galloway, Harris, Henderson, Luna, Madla, Nixon, Sibley, Sims, Truan, Turner, Wentworth, Zaffirini.

Nays: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Haywood, Leedom, Lucio, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, West, Whitmire.

(President in Chair)

Senator Wentworth offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **C.S.S.J.R. 25** in SECTION 1 of the resolution by striking subsection (g) as added by the resolution (committee printing, page 1, lines 56-58) and renumber accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the resolution:

Floor Amendment No. 3

Amend **C.S.S.J.R. 25** by adding the following appropriately designated subsection of Section 50, Article XVI, Texas Constitution, as added by the resolution, and redesignating subsections appropriately:

() An equity loan may not be in the form of an open-end account under which a credit card may be used to debit the account.

The amendment was read and was adopted by a viva voce vote.

The resolution as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Lucio, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Harris, Leedom, Luna, Madla, Nixon, Rosson, Sims, Truan, Turner.

**COMMITTEE SUBSTITUTE
SENATE BILL 301 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 301, Relating to a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 301 as follows:

(1) In SECTION 3 of the bill, strike the introductory language (committee printing page 8, lines 52-54) and substitute:

SECTION 3. Chapter 2, Title 79, Revised Statutes (Article 5069-2.01 et seq., Vernon's Texas Civil Statutes), is amended by adding Article 2.02E to read as follows:

(2) In SECTION 3 of the bill, in the heading of the law added by the section (committee printing page 8, line 55), strike "Art. 11D" and substitute "Art. 2.02E".

(3) In SECTION 3 of the bill, in Subsections (b) and (g) of the law added by the section (committee printing, page 8, line 63 and page 9, line 30) strike "Finance Commission" and substitute "consumer credit commissioner".

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 301 in SECTION 2 by striking Art. 5A.08 as added by the bill (committee printing, page 2, lines 62-65) and renumber accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 301 in SECTION 2 of the bill by adding the following appropriately numbered article of Chapter 5A, Title 79, Revised Statutes, as added by the bill, and renumbering articles appropriately:

Art. 5A. . CREDIT CARD ACCOUNTS PROHIBITED. An equity loan may not be in the form of an open-end account under which a credit card may be used to debit the account.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 301 in Section 2 of the bill, by striking the definition of "equity loan" in proposed Article 5A.01(5) (page 1, lines 47-56) and substituting the following:

(5) "Equity loan" means an extension of credit under a written agreement, including a contract for an open-end account, blended equity loan, or reverse mortgage and excluding an extension of credit to obtain a credit card, that is:

(A) secured in whole or in part by a voluntary lien on or other consensual security interest in a homestead;

(B) created with the consent of each owner and the spouse of each owner in accordance with applicable statutory requirements; and
(C) without recourse for personal liability against each owner and the spouse of each owner.

The amendment was read.

On motion of Senator Haywood and by unanimous consent, Floor Amendment No. 4 was withdrawn.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Lucio, Moncrief, Montford, Nelson, Patterson, Ratliff, Shapiro, Sims, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Harris, Leedom, Luna, Madla, Nixon, Rosson, Sibley, Truan, Turner.

SENATE BILL 867 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 867, Relating to the use of the advance interest trust fund by the Texas Employment Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 867 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 867** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS: Donald R. Bethel, Dawson County; Margie Lee Bingham, Harris County; Dr. Florita Bell Griffin, Brazos County.

To be Members of the COMMISSION ON HUMAN RIGHTS: the Reverend Ransom Howard, Jefferson County; Lynn Ellen Rubinett, Travis County.

To be Members of the TEXAS BOARD OF HUMAN SERVICES: David Herndon, Travis County; Anchi H. Ku, Dallas County; Carlela K. Vogel, Tarrant County; Carole A. Woodard, Galveston County.

To be Members of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: Paula C. Day, Tarrant County; John Only Greer, Brazos County; Cleveland Turner III, Randall County.

To be a Member of the INTERAGENCY COUNCIL ON AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS: Anne Groves Russell, Dallas County.

To be a Member of the TEXAS COMMISSION FOR THE DEAF AND HEARING IMPAIRED: Paula Bartone-Bonillas, San Patricio County.

To be Members of the TEXAS SCHOOL FOR THE DEAF GOVERNING BOARD: Kent Allen Kennedy, Travis County; Dr. Nanci Pagoda-Ciccone, Dallas County.

To be Members of the GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS: Catherine Roberts McHaney, Victoria County; T. L. Walker, Comal County.

To be a Member of the LOWER CONCHO RIVER WATER AND SOIL CONSERVATION AUTHORITY BOARD OF DIRECTORS: Leroy Beach, Concho County.

To be Members of the LOWER NECHES VALLEY AUTHORITY BOARD OF DIRECTORS: Clyde E. Cole, Hardin County; Gaylyn L. Cooper, Jefferson County; Thomas A. Thomas, Jefferson County.

To be a Member of the UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY BOARD OF DIRECTORS: Cathy Ann Stark, Anderson County.

To be Members of the STATE SECURITIES BOARD: Nicholas C. Taylor, Midland County; Dan R. Waller, Dallas County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

(Senator Armbrister in Chair)

MOTION TO PLACE SENATE BILL 1054 ON THIRD READING

Senator Shapiro moved that the regular order of business be suspended and that **S.B. 1054** be placed on its third reading and final passage.

S.B. 1054, Relating to establishment of infrastructure funds by certain municipalities.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Brown, Cain, Ellis, Gallegos, Haywood, Henderson, Lucio, Madla, Patterson, Ratliff, Shapiro, Sibley, Sims, Turner, Wentworth, Zaffirini.

Nays: Barrientos, Bivins, Galloway, Harris, Leedom, Luna, Moncrief, Montford, Nelson, Nixon, Rosson, Truan, Whitmire.

Absent: West.

SENATE BILL 428 ON SECOND READING

On motion of Senator Galloway and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 428, Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 428 ON THIRD READING

Senator Galloway moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 543 ON SECOND READING

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 543, Relating to residency requirements for municipal employees.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 543** as follows:

(1) Amend SECTION 1, proposed Section 150.021(c), Local Government Code, as follows:

(a.) Between "to" and "civil", strike "the", and insert "a notification of a". (committee report, page 1, line 16)

(b.) Between "limits" and ",", strike "within one hour or earlier after notice of the emergency, if the employee is travelling at posted speed limits and is obeying all traffic regulations", and insert "in less time than traveling at posted speed limits and obeying all traffic regulations would require". (committee report, page 1, lines 17-19)

(2) Insert a new SECTION 2 to read as follows:

"SECTION 2. Section 150.021, Local Government Code, is amended by adding the following:

(d) Notwithstanding the provisions of Section (c), the governing body of a municipality may designate certain employees who, because of their duty assignments, must come within the city to respond to a civil emergency within a reasonable amount of time as established by the governing body. The designations may not be imposed retroactively on any person in the employ of the municipality at the time the designations are adopted." (committee report, page 1, line 22)

(3) Renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 543 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 543 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

PERMISSION TO MEET GRANTED

On motion of Senator Sibley and by unanimous consent, all committees were granted permission to meet while the Senate was in session today.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Henderson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider S.B. 1585 today.

(President in Chair)

(Senator Truan in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 178 ON SECOND READING

Senator Whitmire asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 178, Relating to delay of and an interim program for the vehicle emissions inspection and maintenance program; providing penalties.

There was objection.

Senator Whitmire then moved to suspend the regular order of business and take up C.S.S.B. 178 for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Rosson, Shapiro, Sims, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Sibley, Turner.

Absent: Cain, Ratliff.

The bill was read second time.

Question—Shall C.S.S.B. 178 be passed to engrossment?

AT EASE

The Presiding Officer at 2:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:24 p.m. called the Senate to order as In Legislative Session.

Question—Shall C.S.S.B. 178 be passed to engrossment?

Senator Whitmire, on behalf of Senator Brown, offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 178 as follows:

Amend Section 1, subsection a-1, located on page 2, lines 5-7 of C.S.S.B. 178 beginning after the language . . . "The governor under this section may direct the exemption of a county from or the inclusion of a county in a vehicle emissions inspection and maintenance program if required. Add the following language . . . The governor shall exempt Brazoria County if federal law will allow Brazoria County to be exempted and the exemption will not result in any additional emissions credits requirements being placed on any other affected entities.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 178, committee printing, as follows:

(1) In SECTION 3 of the bill, in the language describing the amendment to Section 382.037, Health and Safety Code (page 3, line 44), strike "Subsections (e), (h), and (n)" and insert "Subsections (d), (e), (l), and (n)".

(2) In SECTION 3 of the bill, before Section 382.037(e), Health and Safety Code (page 3, between lines 47 and 48), insert the following:

"(d) On adoption of a resolution by the board and after proper notice, the [Texas] Department of Public Safety [Transportation] shall implement a system that requires, as a condition of obtaining a safety inspection

~~certificate issued under Section 140 or 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) [registering a motor vehicle under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes)], in a county that is included in a vehicle emissions inspection and maintenance program under Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), that the vehicle, unless the vehicle is not covered by the system [or is being registered in conjunction with the vehicle's first sale as that term is defined by Section 7, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes)], be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the Texas air quality state implementation plan or Section 382.0371. The [Texas] Department of Public Safety [Transportation] shall implement such a system when it is required by any provision of federal or state law, including any provision of the Texas air quality state implementation plan. The board may not require or accept verification of compliance other than a vehicle inspection certificate. [The alternative verification of compliance shall be in a form determined through joint rule making by the board and the Texas Department of Transportation:]".~~

(3) In SECTION 3 of the bill, in Section 382.037, Health and Safety Code (beginning on page 3, line 65, and ending on page 4, line 10), strike Subsection (h).

(4) In SECTION 3 of the bill, in Section 382.037, Health and Safety Code (page 4, between lines 10 and 11), insert the following:

"(1) The board by rule may require a vehicle ~~[that is exempt from the payment of registration fees and issued specially designated license plates under Section 3aa, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3aa, Vernon's Texas Civil Statutes), or]~~ that is registered in another state or in a county in this state that is not included in a vehicle emissions testing and maintenance program, to comply with a vehicle emissions inspection and maintenance program if the vehicle is primarily operated, as defined by board rule, in a county that is included in the vehicle emissions inspection and maintenance program."

(5) Following SECTION 3 of the bill (page 4, between lines 64 and 65), add a new SECTION 4 of the bill to read as follows:

"SECTION 4. Section 2(a), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided by this subsection, every owner of a motor vehicle, trailer or semitrailer used or to be used upon the public highways of this State shall apply each year to the Texas Department of Transportation through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided, that where a public highway separates lands under the dominion or control of the owner, the operation of such a motor vehicle by such

owner, his agent or employee, across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. An all-terrain vehicle, with or without design alterations, may not be registered for operation on public highways, except that the State, a county, or a municipality may register an all-terrain vehicle for operation on public beaches and highways to maintain public safety and welfare. In lieu of highway motor vehicle registration, the owner of an all-terrain vehicle that is not authorized to operate on public beaches or highways and that is used or to be used on public property in this State shall apply each year to the Texas Department of Transportation through the County Tax Collector of the county in which he resides for off-highway registration of each vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion of the calendar year. ~~[The Texas Department of Transportation through the County Tax Collector shall require an applicant for registration of a vehicle in a county that is not covered by a vehicle emissions inspection program to provide evidence that the applicant is a resident of that county. The Department by rule shall prescribe acceptable forms and types of evidence. Acceptable forms and types of evidence may include voter registration information, driver's license information, utility billing information, property tax payment information, a school tuition receipt, or evidence of compliance with the Texas Motor Vehicle Safety Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes).]~~ The County Tax Collector, a deputy County Tax Collector, or a person acting on behalf of the County Tax Collector is not liable to any person for refusing to register a motor vehicle because of the person's failure to submit evidence of residency that complies with rules of the Department or for registering a motor vehicle under this section."

(6) Following current SECTION 4 of the bill (page 5, between lines 47 and 48), insert a new SECTION of the bill, appropriately numbered, to read as follows:

"SECTION ____ . Section 140(c), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Official inspection stations appointed and supervised by the State of Texas shall make all inspections pursuant to the provisions of this Section, except as provided in subdivision (d) hereof. The Department shall cause one (1) inspection to be made in the year commencing with the effective date of this Act, and annually thereafter. If the motor vehicle, trailer, semi-trailer, pole trailer or mobile home, registered in this State, is damaged to the apparent extent that it would require repair before passing state inspection, the investigating officer shall remove the inspection certificate from the vehicle windshield and shall give the operator of the vehicle a dated receipt. Within thirty (30) days of the date indicated on the receipt, the vehicle shall be reinspected. The periods of inspection shall be fixed by the Department, provided, however, that at no time, except as provided in Section 142A of this Act ~~[or as may be provided under Section 382.037, Health and Safety Code]~~, shall a

certificate of inspection or a receipt for a certificate of inspection be required or demanded as a condition precedent to securing a license plate for any motor vehicle, regardless of any period or periods of inspection as may be fixed by the Department. The Department shall have power to make rules and regulations, not inconsistent with law, with respect to the periods of inspection. ~~[This subsection does not affect the authority of the Texas Natural Resource Conservation Commission under Section 382.037, Health and Safety Code, to require a valid vehicle emissions inspection certificate as a condition of registering a vehicle under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes).]~~".

(7) Following current SECTION 5 of the bill (page 6, between lines 13 and 14), insert a new SECTION of the bill, appropriately numbered, to read as follows:

"SECTION ____ . Section 141(d)(5), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(5)(A) The owner of a motor vehicle on which is displayed an inspection certificate in violation of Subdivision (2) of this subsection commits an offense if the vehicle is operated ~~[or parked]~~ on a public highway.

(B) ~~An~~ ~~[Except as provided by Paragraph (C) of this subdivision, an]~~ offense under this subdivision is punishable by a fine of not less than \$1 ~~[\$100]~~ or more than \$200.

~~[(C) An offense under this subdivision is a Class B misdemeanor if the inspection certificate is a vehicle emissions inspection certificate and the owner knows that the certificate is prohibited by Subdivision (2) of this subsection.~~

~~[(D) A motor vehicle on which is displayed a vehicle emissions inspection certificate in violation of Subdivision (2) of this subsection and that is operated or parked on a public roadway may be impounded by a peace officer or other authorized employee of the state or the political subdivision of the state in which the vehicle is parked or operated.]".~~

(8) In current SECTION 6 of the bill, in Section 142(d-1), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), strike the last sentence of Subsection (d)(1) (page 6, lines 48 through 51), and substitute the following:

"A program initiated under this subsection may not include registration-based enforcement ~~[unless the State Department of Highways and Public Transportation elects to include the program in its registration enforcement system]."~~

(9) In current SECTION 9 of the bill, at the end of Subdivision (1) (page 8, line 9), strike "and".

(10) In current SECTION 9 of the bill (page 8, beginning on line 10), strike Subdivision (2) and substitute the following:

"(2) Section 382.037(h), Health and Safety Code;

(3) Sections 2(i) and 2(j-1), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes);

(4) Section 3(j), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3, Vernon's Texas Civil Statutes);

(5) Articles 6675b-4, 6675b-4A, and 6675b-4B, Revised Statutes; and

(6) Subsections (a-1) and (a-2), Section 4.202, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes)."

(11) Renumber SECTIONS of the bill as appropriate.

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 178, in SECTION 2 of the bill, by striking the last sentence of Subsection (g), Section 382.0371, Health and Safety Code (committee printing page 2, lines 31-39), and by substituting the following: The commission may not require in any nonattainment area an emissions testing technology or procedure that is more stringent than a technology or procedure required in vehicle emissions inspection and maintenance programs in this state before January 1, 1994, unless the use of a more stringent technology or procedure is necessary to establish new emissions testing facilities in an area in which a vehicle emissions inspection and maintenance program did not exist before January 1, 1994.

The amendment was read and was adopted by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Ellis, Gallegos, West.

Absent: Luna, Montford, Sibley.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 178, in SECTION 2 of the bill, following Subsection (m), Section 382.0371, Health and Safety Code, (committee printing page 3, between lines 33 and 34), by adding Subsection (n) to read as follows:

(n) This section does not apply to a motor vehicle that:

(1) is an antique motor vehicle registered under Section 5a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5a, Vernon's Texas Civil Statutes);

(2) is a classic motor vehicle registered under Section 5n, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5n, Vernon's Texas Civil Statutes):

(3) is a slow-moving vehicle required to display a slow-moving-vehicle emblem by Section 139B, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

The amendment was read and was adopted by a viva voce vote.

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 178 as follows:

(1) In SECTION 3 of the bill, in the language describing the amendment (committee printing, page 3, line 46), strike "Subsection (q)" and substitute "Subsections (q) and (r)".

(2) In SECTION 3 of the bill, immediately following Subsection (q), Section 382.037, Health and Safety Code (committee printing, page 4, between lines 64 and 65), add the following:

"(r) The commission may not:

(1) restrict a person from repairing a vehicle that has failed a vehicle emissions test; or

(2) require a vehicle to be tested by a certified mechanic."

The amendment was read and was adopted by a viva voce vote.

Floor Amendment No. 6 was not offered.

(Senator Truan in Chair)

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 178 by adding a new SECTION 13 to read as follows:

SECTION 13. Subchapter B, Chapter 382, Health and Safety Code is amended by adding a new Section 382.0373 to read as follows:

Section 382.0373. EXEMPTION FROM CENTRALIZED VEHICLE EMISSIONS TESTING FOR EL PASO COUNTY. Notwithstanding the provisions of Section 382.0371 or any other provision of law, if the United States Environmental Protection Agency determines that El Paso region is not required to implement an enhanced vehicle emissions testing program in order to meet Federal Clean Air Act requirements, then the Commission shall not require centralized vehicle emissions testing in El Paso County.

Renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

(President in Chair)

Senator Haywood offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 178, committee printing, by adding a new SECTION to the bill, appropriately numbered, to read as follows, and by appropriately renumbering subsequent sections:

SECTION ____ . (a) Notwithstanding Section 3(b)(3), **S.B. 19**, Acts of the 74th Legislature, Regular Session, 1995, not later than the 90th day after the day on which a vehicle emissions inspection and maintenance program begins or resumes operations in this state, a managing contractor with whom the Texas Natural Resource Conservation Commission is required by Section 3 of that Act to negotiate a contract or contract amendments providing for payments to the managing contractor shall repay to the state, without interest, the total of any amount paid to the managing contractor under contract or contract amendment terms described by Section 3(b)(2) of that Act.

(b) A managing contractor described by Subsection (a) of this section who does not comply with the requirements of Subsection (a) may not provide any services or perform any activity relating to a vehicle emissions inspection and maintenance program implemented or reinstated on or after May 2, 1995, in this state. This subsection does not restrict the payment by a managing contractor of obligations incurred as a result of the managing contractor's participation in a vehicle emissions inspection and maintenance program the operation of which was suspended before May 2, 1995, or restrict the performance of an action necessary to the cessation of a managing contractor's participation in such a program.

The amendment was read and failed of adoption by the following vote: Yeas 15, Nays 16.

Yeas: Armbrister, Harris, Haywood, Henderson, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Leedom, Lucio, Luna, Madla, Montford, Rosson, Sims, Truan, West.

POINT OF ORDER

Senator Truan raised a point of order that Senate Rule 3.05 prohibits any form of demonstration from the gallery and asked strict enforcement of the rule.

The President stated the point of order was well-taken and sustained and instructed those seated in the gallery to refrain from applause or any other form of demonstration.

Floor Amendment No. 9 was not offered.

(Senator Truan in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 10

Amend **C.S.S.B. 178** on page 1, line 41 by adding the following sentence: "The governor shall also exempt Waller County if federal law will allow Waller County to be exempted and the exemption will not result in any additional emissions credits requirements being placed on any other affected entities."

The amendment was read.

Senator Galloway offered the following amendment to Floor Amendment No. 10:

Floor Amendment No. 10A

Amend Floor Amendment No. 10 to **C.S.S.B. 178** by inserting ", Liberty County, and Chambers County" following "Waller County" in both instances where it appears.

The amendment to Floor Amendment No. 10 was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to Floor Amendment No. 10:

Floor Amendment No. 10B

Amend Floor Amendment No. 10 to **C.S.S.B. 178** by inserting "Parker, Hood and Johnson County" following "Waller County" in both instances where it appears.

The amendment to Floor Amendment No. 10 was read and was adopted by a viva voce vote.

Senator Nixon offered the following amendment to Floor Amendment No. 10:

Floor Amendment No. 10C

Amend Floor Amendment No. 10 to **C.S.S.B. 178** by inserting "Montgomery County" following "Waller County" in both instances where it appears.

The amendment to Floor Amendment No. 10 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 10 as amended, the amendment as amended was adopted by the following vote: Yeas 17, Nays 10.

Yeas: Armbrister, Ellis, Gallegos, Galloway, Haywood, Moncrief, Montford, Nelson, Nixon, Patterson, Rosson, Sibley, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Bivins, Cain, Harris, Leedom, Luna, Madla, Ratliff, Shapiro, Truan.

Absent: Brown, Henderson, Lucio, Sims.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 11

Amend **C.S.S.B. 178**, committee printing, by striking Sections 1 through 12 of the bill and substituting new Sections 1 and 2 and renumbering the subsequent section appropriately to read as follows:

SECTION 1. Section 382.037, Health and Safety Code, is amended by adding Subsection (o) to read as follows:

(o) Notwithstanding any state agency rule or resolution to the contrary, the vehicle emissions inspection and maintenance program provided for by this section may not begin operation until January 2, 1997.

SECTION 2. The Texas Natural Resource Conservation Commission shall immediately suspend the operation of any vehicle emissions inspection and maintenance program begun or reinstated under Section 382.037, Health and Safety Code, before the effective date of this Act.

The amendment was read and was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Barrientos, Brown, Gallegos, Galloway, Haywood, Henderson, Lucio, Madla, Nelson, Nixon, Patterson, Ratliff, Rosson, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Bivins, Cain, Ellis, Harris, Leedom, Luna, Moncrief, Montford, Shapiro, Sibley, Truan, West.

Absent: Sims.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 178 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.B. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Cain.

Absent: Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Cain, Sibley.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1995

Mr. President: I am directed by the House to inform the Senate that the House has adopted the conference committee report on S.B. 436 by a record vote of 128 Ayes, 0 Nays, and 2 Present-not voting.

The House has concurred in Senate amendments to **H.B. 988** by a record vote of 127 Ayes, 0 Nays, and 2 Present-not voting.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 103 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 103, Relating to providing guardianship services and a pooled income trust for incapacitated persons.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 103** as follows:

(1) In SECTION 1, Section 161.004(a), strike the word, "commissioner" and replace it with "governor".

(2) In SECTION 1, Section 161.004(b), strike the word, "commissioner" and replace it with "governor".

(3) In SECTION 5, Subsection (a), strike the phrase, "commissioner of health and human services" and replace it with "governor".

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 103 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 103** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate a delegation from the Williamson County Agricultural Leadership Program.

The Senate welcomed its guests.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider **S.B. 1654** today.

MEMORIAL RESOLUTIONS

S.R. 724 - By Barrientos: In memory of former Senate Parliamentarian Mary Joe Carroll.

S.R. 733 - by Truan, Gallegos: In memory of Alicia Saenz Truan of Kingsville.

H.C.R. 55 - (Montford): In memory of Robert Henderson of Austin.

CONGRATULATORY RESOLUTIONS

S.R. 717 - By Truan: Congratulating Sally Robeau's seventh-grade history class from Calallen Middle School in Corpus Christi on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 718 - By Rosson: Congratulating James D. Eddy's seventh-grade history class from Parkland Middle School in El Paso on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 719 - By Truan: Congratulating the ten schools for winning the "Build the Capitol" contest celebrating the restoration of the Texas Capitol.

S.R. 720 - By Luna: Congratulating Carolyn Walmsley's seventh-grade history class from E. M. Pease Middle School in San Antonio on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 721 - By Nixon: Congratulating Helen Conner's seventh-grade history class from Dunbar Intermediate School in Lufkin on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 722 - By Ellis: Recognizing the Church of Jesus Christ of Latter-day Saints on the dedication of the Welfare Services Peanut Butter Production Center in Houston.

S.R. 723 - By Montford: Calling upon all Texans to support the Texas Military Forces Museum and Archives and its volunteers.

S.R. 725 - By Montford: Congratulating Patrick D. Johnson's seventh-grade history class from Smylie Wilson Junior High School in Lubbock on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 726 - By Sibley: Congratulating Mary Crews' seventh-grade history class from Shirley Hall Middle School in Weatherford on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 727 - By Lucio: Congratulating Linda Daniel's seventh-grade history class from The Teacher Academy Number 1 in Edinburg on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 728 - By Bivins: Congratulating Charlie N. Griffin's seventh-grade history class from Andrews Middle School in Andrews on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 729 - By Bivins: Congratulating Carolyn Waters' seventh-grade history class from Hereford Junior High School in Hereford on being among the winners of a contest celebrating the restoration of the Texas Capitol.

S.R. 730 - By Sims: Congratulating Dave Wilson's seventh-grade history class from Smith Middle School in Fort Hood on being among the winners of a contest celebrating the restoration of the Texas Capitol.

ADJOURNMENT

On motion of Senator Leedom, the Senate at 4:06 p.m. adjourned, in memory of Joseph MacDonald Dealey, until 9:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 12, 1995

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 1620, S.B. 1632, S.B. 1627, H.B. 1207, H.B. 1907, S.B. 794, C.S.S.B. 993, H.B. 1178 (Amended), H.B. 320, H.B. 1353, H.B. 335, C.S.S.B. 1148, S.B. 1529

April 18, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 1343, C.S.S.B. 608, C.S.S.B. 655, C.S.S.B. 1303, C.S.S.B. 718, S.B. 656, S.B. 973, C.S.S.B. 1485, C.S.S.B. 1863, C.S.S.B. 612, S.B. 929, C.S.S.B. 1488, C.S.S.B. 1431, C.S.S.B. 729

NATURAL RESOURCES — S.C.R. 61, S.B. 942, C.S.S.B. 978, C.S.S.B. 740, C.S.S.B. 1606, C.S.S.B. 626, C.S.S.B. 1196, C.S.S.B. 953, C.S.S.B. 1106, S.C.R. 80

STATE AFFAIRS — C.S.S.B. 373

SIGNED BY GOVERNOR

(April 12, 1995)

S.B. 165 (Effective immediately)
S.B. 200 (Effective September 1, 1995)
S.B. 290 (Effective immediately)
S.B. 304 (Effective immediately)
S.B. 318 (Effective immediately)

S.B. 387 (Effective August 28, 1995)

S.B. 414 (Effective immediately)

S.B. 446 (Effective August 28, 1995)

S.C.R. 1	H.C.R. 19
S.C.R. 13	H.C.R. 48
S.C.R. 25	H.C.R. 49
S.C.R. 26	H.C.R. 88
S.C.R. 97	H.C.R. 122
S.C.R. 100	H.C.R. 141
S.C.R. 107	H.C.R. 151
S.C.R. 111	

**In Memory
of
Joseph MacDonald Dealey**

Senator Leedom offered the following resolution:

(Senate Resolution 731)

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of respected business and civic leader Joseph MacDonald Dealey on April 7, 1995; and

WHEREAS, Grandson of *The Dallas Morning News* founder George Bannerman Dealey, Joe Dealey led his family-owned company through a period of unprecedented growth and expansion; presiding over the Belo Corporation and *The News* during the 1960s and 1970s, Mr. Dealey helped steer the newspaper and city through times of transition, crisis, and prosperity; and

WHEREAS, Born in Dallas in 1919, Mr. Dealey began his newspaper career in the mailroom of *The Dallas Journal* in 1937; and

WHEREAS, After graduating from The University of Texas in 1941, Mr. Dealey attended the Southwest School of Printing to learn the mechanical side of the newspaper business; he rejoined *The Dallas Journal* in January 1942 before being drafted into the Army Air Corps the following May; and

WHEREAS, Following his honorable service during World War II, Mr. Dealey joined *The Dallas Morning News* in the business news department; and

WHEREAS, Named assistant director of *The Dallas Morning News* parent company, the A. H. Belo Corporation, in 1950, Mr. Dealey assumed positions of ever-increasing responsibility and helped direct Belo's phenomenal growth; Mr. Dealey was designated as chairman of the board and publisher in 1980, and when he stepped down from those positions, Belo's assets had increased to \$692.4 million, 66 times what they had been when he became chief executive officer; and

WHEREAS, A man who believed in giving back to his community, Mr. Dealey was a generous benefactor to numerous charitable and philanthropic organizations; he derived great personal satisfaction from the work he did with children's hospitals; first chairman of the board of the Children's Medical Center Foundation, Mr. Dealey served as chairman of many of the hospital's fundraisers; and

WHEREAS, Recipient of the Dallas Hospital Council's service award for community leadership in 1967, Joe Dealey was also honored with the Linz Award, which recognizes the Dallas County

citizen whose civic and humanitarian efforts have yielded the greatest benefit to the city; and

WHEREAS, A man of unimpeachable honesty and integrity, Joe Dealey justly merited the honors and awards bestowed on him; and

WHEREAS, Few individuals have given so unstintingly of themselves on behalf of their community and their fellowman; and

WHEREAS, Joe Dealey leaves a legacy of excellence in all his endeavors that will remain forever in the hearts of all who knew him and cherished his greatness; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby pay tribute to the memory of Joseph MacDonald Dealey and extend sincere condolences to the members of his family: his wife; Doris Carolyn Russell; his children, Joe M. Dealey, Jr., Russell Edward Dealey, Pamela Dealey Campbell, and Patricia Dealey Scarbrough; and his nine grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of the family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Joe M. Dealey.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Leedom and by unanimous consent, the resolution was adopted by a rising vote of the Senate.